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Federal Judiciary
COURT OF JUSTICE OF THE FEDERAL DISTRICT AND TERRITORIES

3rd Court for the Enforcement of Extrajudicial Titles and Arbitration Disputes of Brasília

Case number: 0715078-81.2024.8.07.0001

Judicial class: EXECUTION OF EXTRAJUDICIAL TITLE (12154)

PLAINTIFF: AUTOTRAC COMERCIO E TELECOMUNICACOES S/A

DEFENDANT: FORT SAFE SECURITY LTDA

DECISION

This is an enforcement action filed by AUTOTRAC COMERCIO E TELECOMUNICACOES S/A before the 3rd Civil Court of the District of Santa Cruz do Sul – RS, as this is indicated as the defendant's place of domicile.

In the decision of ID 193834600, that learned Court declared ex officio its lack of jurisdiction to process the claim, and the case file was sent to this Court.

Well then.

With all due respect, this Court understands itself to be incompetent to hear the present case, of so that any decision that might be rendered would be tainted with nullity.

Let me explain.

That learned Judge based his decision on the fact that the parties had included in the enforceable contract a clause stipulating the jurisdiction of this Court.
Judiciary of Brasilia.

However, the decision, made on its own initiative, referred the case to this jurisdiction without finding any abuse in the choice of forum, and without the parties having requested it.

The forum selection clause, in this case, benefits the plaintiff herself, who freely chose to sue in the defendant's jurisdiction, thus benefiting the defendant and complying with the provisions of Article 53, III, a, of the Code of Civil Procedure.

Furthermore, since the defendant is domiciled in that jurisdiction, the enforcement actions will also be carried out in that location, as it is likely the place where the defendant's assets subject to seizure are located.

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Finally, since this is a matter of relative jurisdiction, recognition would not be possible ex officio, but only at the request of the parties, except in the case of a consumer relationship where there is abuse of choice, which is not the case here.

In light of the foregoing, this Court considers itself incompetent to process and judge the present case, which is why I raise a conflict of jurisdiction.

I hereby give this decision the force of an official document to be forwarded to the Superior Court of Justice.

Proceed to trial.

Document Registered, Dated and Signed Electronically

By the undersigned Judge

Electronically signed by: TATIANA IYKIE ASSAO GARCIA 04/23/2024 17:10:38
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